

JOINT-USE

GENERAL

Under the provisions of Proposition 203, the State Allocation Board (SAB) set aside \$25 million for Joint-Use (JU) purposes to fund applications that meet the criteria outlined in this policy. This is a new program which qualifies a district's entitlement based on "minimum essential facilities" instead of existing eligibility criteria established for new construction or modernization. All requests for JU funding must be made pursuant to Education Code (EC) Sections 17750 or 17751.

APPLICATION FOR LEASE-PURCHASE FUNDING

Any school district may apply for JU funding utilizing the existing application package for the new construction program. The district can self-certify that a fully executed contract between the city, county, or other appropriate entity is on file at the district office. The contract, at a minimum must contain the following:

Library Facility- Contract is for purposes of operating a JU library on district owned property or on other property where a 40 year lease (at no cost to the state) has been obtained by the district. The contract must include the following provisions:

1. A statement that the county or other appropriate party to the agreement has responsibility for library services. Refer to EC Section 17750 (a).
2. A provision that the county or other appropriate entity will deposit the cost of the facilities that exceed SAB standards into the County Lease-Purchase Fund established for the project prior to the signing of the construction contract for the project. The funds deposited are not refundable until the close-out audit has been completed by the state and there is a determination that the funds deposited were greater than needed for the facilities that exceeded SAB standards. Refer to EC Section 17750 (c)(1).
3. A provision for the staffing, maintenance, materials acquisition, administration and operating costs of the JU facility. Refer to EC Section 17750 (c)(2).
4. A provision regarding the procedure for the amendment or termination of the contract, including the disposition of the materials housed in the JU facility. Refer to EC Section 17750 (c)(3).
5. A provisions that the applicant maintains ownership of the entire project.

Gymnasium or Multi-Purpose (Type I) Facility- Contract is for purposes of operating a gymnasium or multi-purpose type I JU facility. Facilities may be on district owned property or on other property where a 40 year lease (at no cost to the state) has been obtained by the district. The contract must include the provisions as outlined in items 2, 3, 4 and 5 above , but pursuant to EC Sections 17751(b)(1), (2) and (3).

#### APPLICATION FOR THE LEASE-PURCHASE FUNDING (con't)

All existing Lease-Purchase Program criteria shall apply including, but not limited to, the provision for a Lease-Purchase agreement, the two percent maintenance fund requirement, the California Department of Education plan approval and the lien provision. Additional requirements are as follows:

- The application may not include the acquisition of land.
- The application must be a "stand alone" project (i.e., cannot include other SAB eligible area such as classrooms, administration, etc.).
- All requests for eligible project funding must be as a 50/50 project.
- Applications for a gymnasium and an exercise room will not be accepted as one application. A separate application must be submitted for each facility.

#### ELIGIBILITY CRITERIA

The applicant shall apply for JU facilities utilizing the average daily attendance (ADA) assigned to one or more school sites within the district or high school attendance area where the JU facility will be constructed under the provisions of the "minimum essential facilities" square footage criteria adopted by the SAB and shown on the attached chart or other square footage as may be approved by the SAB on a case-by-case basis.

The applicant may utilize the eligibility of other district's attendance areas only on a case-by-case basis as approved by the SAB.

All JU facilities are limited to the ADA capacity of the school site(s) selected multiplied by the square footage provided in the attachment for the specific facilities requested.

#### ELIGIBLE COST OF THE PROJECT

All costs of the project are subject to existing SAB cost standards.

#### APPORTIONMENTS AND RELEASE OF FUNDS

The SAB will apportion its 50 percent share of the project cost at initial approval using an estimated cost of \$170 per square foot and will release the normal planning funds upon evidence that the California Environment Quality Act requirements have been met and when the district has submitted the Lease-Purchase Agreement for the project. The balance of the project cost will be released upon submittal to the OPSC of the Division of State Architect (DSA) approved plans and specifications and a certification that the district's share of the project cost is on deposit. The final apportionment amount will be based upon the final OPSC plan review allowance adjusted by the Historical Savings Index (HSI) in effect when the final plans were stamped by the DSA. No additional apportionment will be made for the project for any additional costs, including, but not limited to bid adjustments, change orders, or litigation costs.

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#### APPORTIONMENTS AND RELEASE OF FUNDS (con't)

If the applicant does not submit the DSA approved final plans to the OPSC within 18 months from the initial approval, the remaining apportionment is subject to rescission. Districts may request a six month extension utilizing the criteria established for 90 day extensions included in the SAB time limit policy approved by the SAB on April 2, 1997. Any rescinded apportionments will be made available for other eligible JU projects.

#### FUNDING PRIORITY

Acceptable applications will be recommended for funding by the SAB based on the date order submitted to the SAB by the Office of Public School Construction (OPSC). Any district that submitted a letter request for JU funding that was received by the OPSC prior to May 12, 1997 will be given funding priority based upon the date the letter was received by the OPSC, if the district submits the completed application to the OPSC no later than June 30, 1997. It is anticipated that initial requests for JU funding will be considered by the SAB at the meeting scheduled for July 23, 1997.

In order for the application to be deemed "acceptable" by the OPSC, the following documents must be provided:

- 1.—The complete self-certification application as required by existing SAB policy.
- 2.—The self-certification application will be amended to include the following:
  - a request for JU funding.
  - a certification of contractual agreement required by EC Sections 17750 or 17751.
  - a calculation of the district's entitlement for JU facilities utilizing the "minimum essential facility" allowances.

#### CHARGEABILITY OF SPACE

All facilities constructed as part of the eligible portion of the project will be deemed chargeable space; however, in accordance with SB 1612, these facilities are not loaded for purposes of determining housed pupils. All existing facilities (i.e., gymnasium, library or multi-purpose type I) replaced with JU facilities will be loaded as classroom space in accordance with existing SAB loading standards. The actual use of these facilities is left to the discretion of the district. For example:

The district has selected two 7-8 school sites with a total of 500 ADA assigned which generates 8,500 square feet of eligible area for a gymnasium under the minimum essential facilities allowance. The district has existing gymnasiums of 3,500 square feet at these two locations. This district could file a separate JU gymnasium application for 8,500 square feet to be funded 50 percent by the SAB and 50 percent by the district. Any additional area for which the district proposes to include in the facility beyond the 8,500

square feet is deemed to be area that is "beyond the needs of the district" and must be funded separately by the district or by others.

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#### CHARGEABILITY OF SPACE (con't)

The 3,500 square feet of existing gymnasium space will be loaded as a classroom space in accordance with SAB loading criteria (3,500 divided by 80 or 44 ADA assigned).

As an option, the district may reduce the area in the application by some or all of the area of the area of the existing facilities currently utilized for this purpose to avoid conversion of that specific area to classroom space.

Any facilities constructed as part of the JU project that are beyond the SAB standards shall be deemed non-chargeable space as long as the contract (agreement) with the county or other appropriate entity remains in effect. If the contract is terminated, in accordance with the law, the excess facilities constructed beyond SAB standards shall be deemed chargeable space and loaded as classroom space in accordance with existing SAB loading standards.

Any area deemed to be chargeable and loaded as classroom space shall affect the entitlement on any future project if the Phase C "zero" or actual apportionment has not yet been made.

#### AUDITS

A close-out audit of the project will be made to determine that all State funds were spent on the SAB approved project.